



Local Programs Procedures

LPP 99-04

New Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form & Metrication

Reference: *Local Assistance Procedures Manual*, Chapter 6, Exhibit 6-K

Effective Date: June 29, 1999 Approved: _____
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The purpose of this Local Programs Procedure (LPP) is to:

- Distribute the New Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form and instructions, and
- Revise the *Local Assistance Procedures Manual* (LAPM), Chapter 6, “Environmental Procedures” to restate the metrication requirements for NEPA environmental documents.

NEW CATEGORICAL EXCLUSION FORM

EXISTING PROCEDURES

Currently, local agencies prepare and process the Programmatic Categorical Exclusion/Categorical Exclusion Determination Form provided as Exhibit 6-K in Chapter 6 of the LAPM.

This form was designed specifically for local agency Federal-aid projects off the State highway system and does not provide for combined NEPA/CEQA documents or a means of verifying a local agency’s CEQA compliance. Many variations of this form have been created by District Local Assistance Engineers (DLAEs) and Environmental staff.

NEW PROCEDURES

In an effort to assure consistency between Caltrans programs and among districts, the

New Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form & Metrication

Federal Highway Administration (FHWA) California Division, Environmental Program, and Caltrans Office of Local Programs have jointly developed a new form (Attachment #1) which combines documentation of CEQA statutorial and categorical exemptions (CE), NEPA categorical exclusions (CE), and programmatic categorical exclusions (PCE).

The form supersedes the Programmatic Categorical Exclusion/Categorical Exclusion Determination Form provided as Exhibit 6-K in Chapter 6 of the LAPM and the Environmental Program's CE/CE and CE/PCE forms. It addresses the documentation requirements of projects with federal involvement both on the State highway system and on local streets and roads.

In accordance with the FHWA California Division Administrator's letter of May 13, 1999, the use of this new form is mandatory for Caltrans District Environmental staff, DLAEs, and FHWA Transportation Engineers, effective immediately.

Instructions for the Categorical Exemption Form are provided as Attachment #2.

During the next update of the LAPM, the new Categorical Exemption Categorical Exclusion/Programmatic Categorical Exclusion Determination Form will replace the Programmatic Categorical Exclusion/Categorical Exclusion Determination Form provided as Exhibit 6-K in Chapter 6, "Environmental Procedures," of the LAPM.

METRICATION

EXISTING PROCEDURE

Information regarding metrication in environmental documents is currently described in the LAPM, Chapter 12, "Plans, Specifications, and Estimate."

NEW PROCEDURE

During the next update of the LAPM, information regarding metrication requirements for environmental documents will be presented in Chapter 6, "Environmental Procedures," as follows:

Under "Other Considerations" in Section 6.2

METRICATION

Originally, FHWA required all states to advertise Federal-aid construction contracts with PS&E in metric units after September 30, 1996. However, the National Highway Designation Act of 1995, signed by the President on

November 28, 1995, postponed this requirement until September 30, 2000. TEA-21 repealed the requirement that all PS&E for Federal-aid construction projects be in metric units. Instead, each state has the option of converting to the metric units. Caltrans issued a policy letter on August 28, 1998 that pertains to the use of metric units for PS&E. This letter may be viewed on the Internet at www.dot.ca.gov/hq/oppd/metric/metricprg.html.

TEA-21 did not change the requirements placed on FHWA by Section 5164(b) of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418). In this Act, Congress mandated that Federal government agencies use the SI metric system of measurements in the course of daily business.

Because FHWA strives to accommodate the general public, all documents which are written for individual citizens (right of way documents) or are made available for public review (environmental documents, permit applications) are prepared in dual units. In keeping with existing policy, dual units (with the SI value first, followed by the inch-pound value in parenthesis) shall be used in NEPA environmental documents.

CATEGORICAL EXEMPTION CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATION FORM

Dist.-Co.-Rte. (or Local Agency)

K.P./P.M.)

E.A. (State project)

Proj. No. (Local project)
(Fed.Prog. Prefix
Proj. No., Agr. No.)

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this text box.

CEQA COMPLIANCE

LOCAL ASSISTANCE PROJECTS: Record of CEQA compliance is attached. ☐

STATE PROJECTS:

Categorical Exemption (See 14 CCR 15300 et seq.)

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION *(for State Projects only)*

☐ Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ Categorically Exempt. Class _____, or ☐ General Rule exemption (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Signature: Environmental Office Chief

Date

Signature: Project Manager

Date

NEPA COMPLIANCE (23 CFR 771.117)

CATEGORICAL EXCLUSION

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

PROGRAMMATIC CATEGORICAL EXCLUSION

☐ Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.

CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is a:

☐ Categorical Exclusion

☐ Programmatic Categorical Exclusion

Signature: Environmental Office Chief
(for all State & Local CEs)

Date

Signature: Project Manager/DLA Engineer
(PM: for all State CEs / DLAE: for Local Asst.PCEs)

Date

FHWA DETERMINATION *(if applicable)*

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion.

Signature: FHWA Transportation Engineer

Date

- ☐ Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only ; Air Quality studies and/or documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions; Local Agency NOE.)

Instructions for Categorical Exemption Form

This form shall be used by Caltrans staff for documenting Categorical Exemptions and Categorical Exclusions (CE) for projects on the State Highway System and for federal-aid projects on local streets and roads. The form combines the CEQA Categorical Exemption documentation and the NEPA Categorical Exclusion documentation, including Programmatic Categorical Exclusions.

CEQA COMPLIANCE

For Local Programs Projects:

Include the Local Agency sponsor and project number in the spaces provided. The Local Agency project sponsor completes the CEQA process and informs the District Local Assistance Engineer (DLAE) of the CEQA document type and date. The CEQA Determination Box is not completed for Local Programs projects.

For Projects on the State Highway System:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expense Authorization. The project description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the Caltrans CEQA Determination box as documentation.

The conditions listed under "CEQA Categorical Exemption" are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

If there is no federal involvement in the project, write "not applicable" in the Caltrans NEPA determination box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system.

Categorical Exclusions

State and Local Programs projects must meet all five declarations of fact listed under Categorical Exclusion on the CE form.

Instructions for Categorical Exemption Form

The Environmental Office Chief (or designee) checks the Categorical Exclusion space in the Caltrans NEPA Determination Box.

- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer for local projects off the state highway system) signs in the NEPA Determination Box to confirm that the project meets the conditions of a CE.
- The FHWA Transportation Engineer validates the determination, signs and dates in the FHWA Determination space.

Programmatic Categorical Exclusions

State and Local Programs projects must meet all five conditions listed under Categorical Exclusion and all conditions included in the September 7, 1990 Programmatic Categorical Exclusion (PCE) agreement.

Projects that would otherwise meet the criteria of a PCE but which involve technical studies that require FHWA action or approvals shall not be processed as a PCE, but shall be treated as a regular CE.

For Local Programs Projects (off the State Highway System)

- The DLAE makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 Van Loben Sels letter to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic CE agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”)
- The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement.
- The Environmental Office Chief and the Caltrans Project Manager sign in the Caltrans NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

Additional Information

Documentation of compliance with other laws or requirements may be necessary to support a Categorical Exclusion or Programmatic Categorical Exclusion. Certain items shall be attached to the CE form and others may simply be summarized and referenced, as follows:

Instructions for Categorical Exemption Form

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE form.
- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE form.

Conclusions of Other Documentation:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach the conclusion of Section 106 compliance.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require an Air Quality study. If an Air Quality study was required, attach its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act, and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.
- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach the conclusions of coordination with the Army Corps of Engineers pursuant to the NEPA/404 Memorandum of Understanding Appendix A.
- Documentation of compliance with the Endangered Species Act may also be required. If so, attach the conclusions of the biological survey.
- A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project “uses” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach its conclusion.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.